

Emergency Bill No. 6-01  
Concerning: Fire and Rescue Services –  
Length of Service Award Program  
Revised: Mar. 22, 2001 Draft No. 6  
Introduced: February 6, 2001  
Enacted: March 27, 2001  
Executive: April 5, 2001  
Effective: April 5, 2001  
Sunset Date: None  
Ch. 3, Laws of Mont. Co. 2001

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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By: Council President at the Request of the County Executive

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**AN EMERGENCY ACT** to

- (1) revise the Length of Service Award Program to increase the length-of-service, disability, and death benefits; and
- (2) generally amend County law regarding length of service awards and benefits for fire and rescue department volunteers.

By amending

Montgomery County Code  
Chapter 21, Fire and Rescue Services  
Section 21-21

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

*The County Council for Montgomery County, Maryland approves the following Act:*

**Section 1. Section 21-21 of the Code is amended as follows:**

**21-21. Length of service award program for volunteers.**

There is a length of service award program for **local fire and rescue department** volunteers.

(a) *Definition.* In this Section, active volunteer means a **local fire and rescue department** volunteer who accumulates at least 50 points in a calendar year under the point system in subsection (j).

(b) *Eligibility.* Any **local fire and rescue department** volunteer is eligible for the length of service award program if the volunteer is at least 16 years ~~[[or older]] old~~, and:

(1) (A) is an active volunteer on or after August 15, 1965; or  
~~[[2]]~~

(B) on August 15, 1965 had completed 25 years as an active volunteer~~[[.]]~~; and

(2) if less than 18 years old, meets any additional requirements established by Executive regulation under method (3).

(c) *Length of service benefits.*

(1) Volunteers Who Qualified before 1985. Effective January 1, 1985, any volunteer who qualified for a monthly award payment before January 1, 1985 must receive monthly award payments equal to 150 percent of the pre-1985 monthly award payment.

(2) Volunteers Who Qualify in 1985 or Later -- 25 Years of Service.

(A) Effective January 1, 1985, a volunteer qualifies for a 25-year award payment when the volunteer:

- (i) has 25 years as an active volunteer; and
- (ii) is at least age 60.

- (B) A volunteer who qualifies under this paragraph must receive an award payment of:
- (i) [~~\$200~~] \$230 per month for life; and
  - (ii) [~~\$10~~] \$11.50 per month for life for each year of service as an active volunteer over 25 years, up to [~~\$100~~] \$115.00 per month. The maximum total benefit is \$345 per month.
- (3) Volunteers Who Qualify in 1985 or Later -- 15 years of Service.
- (A) Effective January 1, 1985, a volunteer qualifies for a 15-year award payment when the volunteer:
- (i) has 15 years as an active volunteer after January 1, 1955; and
  - (ii) is at least age 65.
- (B) A volunteer who qualifies under this paragraph must receive an award payment of [~~\$8~~] \$9.20 per month for life for each year of service as an active volunteer.
- (4) Volunteers Who Qualify in 1985 or Later -- 10 Years of Service.
- (A) Effective January 1, 1985, a volunteer qualifies for a 10-year award payment when the volunteer:
- (i) has 10 years as an active volunteer; and
  - (ii) is at least age 70.
- (B) A volunteer who qualifies under this paragraph must receive an award payment of [~~\$8~~] \$9.20 per month for life for each year of service as an active volunteer.
- (d) *Disability benefit.*
- (1) A volunteer qualifies for a disability benefit if:

- (A) the volunteer becomes disabled as the direct result of active participation as a **local fire and rescue department** volunteer;
- (B) the disability prevents the volunteer from pursuing the volunteer's normal occupation: and
- (C) a state worker's compensation commission finds that the disability is total and permanent, and is a direct result of active participation as a **local fire and rescue department** volunteer.
- (2) A volunteer who qualifies under this subsection must receive an award payment of [\$300] \$345 per month for life.
- (3) Length of service benefits under subsection (c) must not be paid to volunteers who are receiving award payments under this subsection.
- (e) *Survivor's benefit.*
- (1) A **local fire and rescue department** volunteer's surviving spouse or domestic partner qualifies for a survivor's benefit on the volunteer's death if:
- (A) the surviving spouse or partner submits an application for the benefit; and
- (B) the volunteer met the:
- (i) years-of-service requirement for a length of service benefit under subsection (c); or
- (ii) requirements for a disability benefit under subsection (d).
- (2) The volunteer's surviving spouse or domestic partner must receive a monthly award payment until the spouse's death or

remarriage, or partner's death or establishment of another domestic partnership, equal to 50 percent of the:

- (A) length of service benefit for which the volunteer met the years-of-service requirement; or
- (B) volunteer's disability benefit.

(f) *Death benefit.*

- (1) A **local fire and rescue department** volunteer's surviving spouse or domestic partner (or estate if no spouse or partner survives) qualifies on the volunteer's death for a [\$1,500] \$2,500 death benefit if:

- (A) the surviving spouse or partner (or estate) submits an application for the benefit within one year of the volunteer's death; and
- (B) the volunteer met the:
  - (i) years-of-service requirement for a length of service benefit under subsection (c); or
  - (ii) requirements for a disability benefit under subsection (d).

(g) *Funding.* The County must pay benefits to a volunteer under this section from the fire tax funds.

(h) *Administration.*

- (1) The County Executive or the Executive's designee must administer this Section under Executive Regulations adopted under method (3).
- (2) The County must pay benefits under this section from the first day of the first month after the volunteer, surviving spouse or domestic partner, or volunteer's estate ~~[[qualify]]~~ qualifies for the

benefit, except that benefits must not be paid for any period before the application for the benefit is filed.

(3) The County Executive or the Executive's designee may audit the records of participating local **fire and rescue departments** regarding volunteer participation.

(4) The County Executive or the Executive's designee may correct clerical errors in volunteers' service records made by County staff in the administration of this Section.

(i) *Certification of volunteers.*

(1) **Local fire and rescue departments.** Each participating **local fire and rescue department** must:

(A) maintain a detailed and accurate record for each **local fire and rescue department** volunteer, in a form established by the County Executive~~[[.]], of any activity that qualifies for credit toward active volunteer status;~~

(B) by March 31 each year, submit a record of all **local fire and rescue department** volunteers, certified by the secretary under oath, that identifies each active volunteer for the previous year, and

(C) post any list from the County Executive or the Executive's designee of active volunteers for at least 30 days after receipt for review by members.

(2) *Appeal.* A volunteer may appeal [the] a finding that the volunteer was not an active volunteer within 30 days after [the date of] a written notice of the finding is mailed to the volunteer. The appeal must [conform to the] satisfy requirements established in [Executive Regulation adopted] regulations issued by the County

Executive under method (3). The decision of the County

Executive or the Executive's designee on the appeal is final.

- (j) *Point system.* [Volunteers receive points for purposes of this section under the following point system. Volunteers receive points for the period of January 1 through December 31. Points must not be transferred from one year to the next. Montgomery County employees] To qualify as an active volunteer under subsection (a), a volunteer accumulates points under this subsection during each calendar year that are not transferable to another year. An individual must not receive points for [activities] any activity performed as a County [employees] employee.

- (1) Training Courses -- [Twenty-five Points Maximum.] 25 points maximum:

[a.]

- (A) Courses [under twenty] lasting less than 20 hours [duration -- Five points per course. (This includes ], such as a one-day [courses, seminars, basic first aid, etc.]) course, seminar, or basic first-aid class, earn 5 points per course.

[b.]

- (B) Courses [of twenty] lasting 20 to [forty-five] 45 hours [duration -- Ten points per course. (This includes short courses, regional fire schools, etc.)], such as a short course or regional fire school, earn 10 points per course.

[c.]

- (C) Courses [over forty-five] lasting more than 45 hours [duration -- Fifteen points per course. (This includes University of Maryland)], such as the basic, advanced,

section III, and emergency care courses offered by the  
University of Maryland, or a fire science course offered by  
 Montgomery College [and] or Prince George's  
 Community College['s fire science courses, etc.)], earn 15  
points per course.

- (2) Drills -- [Twenty Points Maximum. One point per] 20 points  
maximum: Each drill [(minimum two-hour drill)] lasting at least  
2 hours earns 1 point.
- (3) Sleep-in or Stand-by -- [Twenty Points Maximum.] 20 points  
maximum: Sleep-in [-- One] service earns 1 point for each full  
 night. Stand-by [-- One] service earns 1 point for each [. A  
 stand-by is defined as an] period of on-duty activity of the fire  
 department or rescue squad[, lasting] that lasts for [[four]] at least  
4 hours [,] and does not [falling] fall under one of the other  
 categories in this subsection.
- [(4) Elected Position---Twenty five Points Maximum for Completion  
 of One-Year Term in an Elected Position. A volunteer firefighter  
 or rescue squad member elected to serve as a delegate to the  
 county fire board and/or a member of the board of  
 directors/trustees of an independent fire department or rescue  
 squad or to the Montgomery County fire/rescue association will  
 also be eligible to receive one point per meeting as a result of  
 attending meetings of the county fire board, the commission, the  
 association and/or board of directors/trustees. A volunteer who  
 serves less than a one-year term will be eligible to receive two  
 points for each complete month of service. No more than twenty-



187 five points per year shall be certified for any combination of  
 188 service in elected and appointed positions.]

189 [(5) Appointed Position---Twenty-five (25) Points Maximum for  
 190 Completion of One-Year Term in an Appointed Position. A  
 191 volunteer firefighter or rescue squad member appointed to a  
 192 position in the independent fire departments or rescue squads, or  
 193 the Maryland State Firemen's Association shall also be eligible to  
 194 receive one (1) point per meeting. A volunteer who serves a  
 195 minimum of six (6) months but less than a one-year term shall be  
 196 eligible to receive two (2) points for each complete month of  
 197 service. Certified documentation is required for the granting of  
 198 each point. The Fire and Rescue Commission shall submit to the  
 199 County Council annually a list of appointed positions for which a  
 200 volunteer may receive points. This list shall be deemed approved  
 201 if no action is taken by the county council within thirty (30) days  
 202 of the receipt of the list. No more than twenty-five (25) points  
 203 per year shall be certified for any combination of service in  
 204 elected and appointed positions.]

205 (4) (A) Elected and Appointed [[Service]] Position -- 25 points  
 206 maximum per calendar year for any combination of service  
 207 in eligible elected and appointed [[service]] positions as  
 208 follows:

209 (1) 25 points for completing a one-year term in an  
 210 eligible elected or appointed position; and

211 (2) 2 points for each full month of service in any  
 212 eligible elected or appointed [[service]] position  
 213 during a term of less than one year.

(B) The Fire and Rescue Commission annually must approve a list of the elected and appointed positions eligible to earn points. The list must include:

- (i) local fire and rescue department (LFRD) officer at the rank of lieutenant or higher;
- (ii) director, trustee, trial board member, or auxiliary member of an LFRD;
- (iii) chair of fund raising or membership for an LFRD;
- (iv) chaplain of an LFRD;
- (v) delegate, alternate, or officer for the Montgomery County Fire Board or the Montgomery County Volunteer Fire-Rescue Association;
- (vi) member of a committee of the Montgomery County Fire and Rescue Commission, the Fire Board, or the Maryland State Firemen's Association (MSFA);
- (vii) officer of the MSFA auxiliary; or
- (viii) officer of an LFRD auxiliary.

[(6)]

(5) Attendance at Meetings -- [Twenty Points Maximum. Attendance at any] 20 points maximum per year: Attendance earns 1 point for each official [meetings] meeting of [[the department]] [-- One point per meeting] an organization listed in Executive regulations issued under method (3) as affiliated with Montgomery County Fire and Rescue Service.

[(7)]

(6) Participation in Department or Station Responses[. Thirty] -- 30 points maximum for responding on at least the [minimum]

number of calls [, as outlined] indicated in the appropriate column  
below:

Total [number of calls] department/station [responds to annually] <u>call responses per year</u>	0 to [500] <u>999</u>	[500 to 1000]	1000 to [1500] <u>7499</u>	[1500 and up] <u>7500 or more</u>
<u>Responses required to earn 1 point, if not qualified for maximum 30 points</u>	<u>2</u>		<u>4</u>	<u>5</u>
[Minimum numbers of calls volunteer must run annually in order] <u>Responses per year required to receive maximum 30 points [credit]</u>	[25] <u>50</u>	[50]	[75] <u>100</u>	[100] <u>120</u>

[Annually, the] The fire and rescue commission [will] annually  
must determine for each department whether the total annual calls  
[are to] will be computed by department or by station.

[(8)]

- (7) Military Service [. A member whose] = 50 points maximum per  
year, prorated for a partial year of service, for qualified military  
service that interrupts voluntary fire service [is interrupted by].  
Qualified service means full-time extended obligatory military  
service or [by] a single voluntary enlistment not to exceed four  
years in the armed forces of the United States [will be considered  
on military leave. During this period of military leave, the  
volunteer will receive active volunteer service credit of fifty  
points for each full year, prorated for service of less than a full  
year].
- (8) Collateral Duties – 25 points maximum: Each qualified activity  
for the volunteer's fire department or rescue squad that lasts at  
least 4 hours earns 1 point. The Fire and Rescue Commission  
annually must approve a list of the collateral duties under which a

volunteer may perform qualified activities, such as apparatus and building maintenance; fire prevention and education activities; fund raising activities; and administrative or auxiliary duties.

(k) Definition. In this Section, “domestic partner” or “partner” means a person whose relationship with the volunteer would meet the requirements for a domestic partner under Section 33-22 if the volunteer were a County employee.

**Sec. 2. Emergency Effective Date, Transition, and Retroactivity.**

(a) The Council declares that an emergency exists and that this legislation is necessary for the immediate protection of the public health and safety. This Act takes effect on the date on which it becomes law and applies retroactively to January 1, 2001.

(b) Any amendment made by this Act that allows credit toward the Length of Service Awards Program for an activity that did not qualify for credit before the amendment applies for those activities conducted on or after January 1, 2001.

(c) Within 60 days after this Act takes effect, the Director of Finance must pay to each eligible beneficiary any retroactive length-of-service, disability, survivor’s, and death benefit to which the beneficiary is entitled as a result of this Act.

*Approved:*

/S/

3/28/01

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Blair G. Ewing, President, County Council

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Date

285    *Approved:*

286    /S/ 4/5/01

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Douglas M. Duncan, County Executive Date

287    *This is a correct copy of Council action.*

288    /S/ 4/9/01

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Mary A. Edgar, CMC, Clerk of the Council Date